

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MARLO LIZA RUSCH,

Plaintiff,

v.

Case No: 6:21-cv-1047-GKS-DCI

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

REPORT AND RECOMMENDATION

This cause comes before the Court for consideration without oral argument on the following motion:

**MOTION: UNOPPOSED MOTION FOR ENTRY OF JUDGMENT
WITH REMAND (Doc. 15)**

FILED: September 1, 2021

THEREON it is RECOMMENDED that the motion be GRANTED.

On September 1, 2021, the Commissioner of Social Security filed a motion for entry of judgment with remand (the Motion). Doc. 15. In the Motion, the Commissioner requests that the Court “enter a judgment, with a remand of the cause to the Commissioner for further action, under sentence four of 42 U.S.C. § 405(g) for the following reasons”:

The Commissioner believes remand is appropriate in this case so that an administrative law judge (ALJ) may further evaluate the case and issue a new administrative decision. Upon remand, the Appeals Council will instruct the ALJ to reevaluate whether medical improvement occurred in accordance with 20 C.F.R. §§ 404.1594 and 416.994, with a comparison of the prior and current evidence.

Id. at 1. In light of the foregoing, the Commissioner requests that her decision be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) so that an ALJ may perform the tasks detailed above. *Id.* at 1-2. The Motion is unopposed. *Id.* at 1. The undersigned finds the Motion well-taken.

Accordingly, it is **RECOMMENDED** that:

1. The Motion (Doc. 15) be **GRANTED**;
2. The final decision of the Commissioner be **REVERSED** and **REMANDED** to the Commissioner pursuant to sentence four of § 405(g) for the above stated reasons; and
3. The Clerk be directed to enter judgment in favor of Plaintiff and to close the case.

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1. **The parties may file a notice of no objection in they have no objection to this Report and Recommendation.**

Recommended in Orlando, Florida on September 8, 2021.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy